

ORIGINAL

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

2013 AUG 16 AM 11:30

DEPUTY CLERK *[Signature]*

---

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
LUMINANT GENERATION COMPANY, )  
LLC, and BIG BROWN POWER )  
COMPANY, LLC, )  
Defendants. )  
\_\_\_\_\_  
)

**3 - 13 CV-3236 K**

**NOTICE OF RELATED CASE**

The United States of America provides notice pursuant to LR 3.3, that this complaint is related to the following cases in the United States Circuit Court of Appeals for the Fifth Circuit:

*Luminant Generation Co., LLC, et. al. v. EPA, et. al.*, appeal case number 12-60694 (5th Cir.), which was filed in response to a petition for review of an agency decision, EPA-HQ-2012-TX-01, and a decision is pending; and

*Luminant Generation Co., LLC, et. al. v. EPA*, appeal case number 13-60538 (5th Cir.), which was in response to a petition for review of an agency decision, EPA-HQ-2012-TX-01, and a decision is pending.

DATED this 16<sup>th</sup> of August, 2013 Respectfully submitted,

Robert G. Dreher  
Acting Assistant Attorney General  
Environment and Natural Resources  
Division  
United States Department of Justice

s/ Bradford T. McLane  
Bradford T. McLane  
Anna E. Cross  
Elias L. Quinn  
Trial Attorneys  
Environmental Enforcement Section  
Environment and Natural Resources Division  
United States Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
Washington, DC 20044-7611  
Phone: (202) 305-0544  
Email: Bradford.McLane@usdoj.gov

Sarah R. Saldaña  
United States Attorney for the Northern  
District of Texas  
Dimitri Rocha   
Assistant United States Attorney  
United States Attorney's Office, Northern  
District of Texas  
1100 Commerce Street, Third Floor  
Dallas, TX 75242-1699  
Phone: (214) 659-8650  
Email: Dimitri.Rocha@usdoj.gov

OF COUNSEL:

Leonard E. Schilling Jr., Assistant Regional Counsel  
Office of Regional Counsel (RC-EA)  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Seema Kakade, Attorney Advisor  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency, Headquarters  
1200 Pennsylvania Avenue N.W.  
Washington DC 20460

**CERTIFICATE OF SERVICE**

I hereby certify that on August 16, 2013 a copy of the foregoing Notice of Related Case was filed with the Clerk's Office and served by electronic mail and United States mail on the following counsel for Defendants.

Stephanie Zapata Moore, Esq.  
General Counsel  
Luminant Generation Company, LLC  
Big Brown Power Company, LLC  
1601 Bryan Street, 22nd Floor  
Dallas, Texas 75201  
E-mail: [Stephanie.moore@luminant.com](mailto:Stephanie.moore@luminant.com)

C. Grady Moore, III, Esq.  
Balch & Bingham LLP  
1901 Sixth Avenue North, Suite 1500  
Birmingham, AL 35203-4642  
e-mail: [gmoore@balch.com](mailto:gmoore@balch.com)

s/ Bradford T. McLane *Otnr*  
Bradford T. McLane  
Environmental Enforcement Section  
Environment and Natural Resources Division  
United States Department of Justice